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Restoring American Education: An End to Zero Tolerance Policies through Restorative Justice

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Restoring American Education:
An End to Zero Tolerance Policies through Restorative Justice

By Mariah Berry

Journalism and Media Studies

Capstone Research Essay

School of Humanities and Communication

Spring 2018

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Capstone Research Paper Proposal

1. Mariah Berry, Journalism & Media Studies
2. Restoring American Education: A Look at how Restorative Justice Can Transform our Education System
3. I want to explore the punishment system that is standard in our public schools and compare and contrast the effects of a zero tolerance approach versus a restorative justice system especially for students of color. I hope to show that restorative justice can effectively replace zero tolerance policies that disproportionately punish students of color.
4. I'm focusing on four questions:
 - a. How does the zero tolerance punishment system impact the lives of students of color?
 - b. What is restorative justice and how is it being used in schools?
 - c. How can restorative justice help provide education and rehabilitation for students of color?
 - d. How can restorative justice heal racial tensions and fix the overpopulation of our jails and prisons?
5. This topic fits with the theme in multiple ways. I will be focusing on the social identities of students of color as well as teachers of color, and use restorative justice as a way forward for our education system.
6. While restorative justice can be used in many different contexts, my primary focus is on how it can be used in schools. I will be pulling from multiple scholarly articles and statistical evidence to show some of the effects of zero tolerance policies and successful restorative justice models in schools. I also hope to connect this to the CSUMB community and interview a student currently serving time in the Monterey County Juvenile Hall and some of the staff that is working with the restorative justice programs in Salinas elementary schools.

Here are a few sources that I already have:

- Ferguson, Ann Arnett. *Bad Boys: Public Schools in the Making of Black Masculinity*. 1st ed. Ann Arbor: U of Michigan, 2001. Print.
- Fronius, Trevor, Hannah Persson, Sarah Guckenburg, Nancy Hurley, and Anthony Petrosino. "Restorative Justice in U.S. Schools: A Research Review." WestEd Justice & Prevention Research Center, Feb. 2016. Web.
- Restorative Practices Working Group. "Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools A Guide for Educators." *Schottfoundation.org*. Advancement Project, Mar. 2014. Web.
- Quintana, Stephen M., and Clark McKown, eds. *Handbook of Race, Racism, and the Developing Child*. Hoboken, NJ: John Wiley & Sons, 2008. Print.

- "Zero Tolerance and Alternative Strategies: A Fact Sheet for Educators and Policymakers." *Naspcenter.org*. National Association of School Psychologists, 2001. Web.
7. I will be gathering at least 3-4 sources a week starting the week of February 12th and adding them to my annotated bibliography. I have some connections with the staff at the juvenile hall and plan to set up an interview in early March.

Timeline:

Week(s) Of	Assignment Due
2/19-2/23	Compile previously used sources / Begin bibliography
2/26-3/2	Add 3-4 sources / Set up interview
3/5-3/9	Add 3-4 sources / Complete interview / Submit Abstract
3/12-3/16	Add 3-4 sources / Begin first draft
3/19-3/23	Continue first draft / Organize bibliography
3/26-3/30	First Draft Due
4/2-4/13	Complete Final Draft
4/16-4/30	Create Poster

Restoring American Education: An End to Zero Tolerance Policies through Restorative Justice

“Education must not simply teach work- it must teach life”, said renowned sociologist and historian W.E.B. Du Bois. That same quote was tweeted by the US Department of Education in 2017, 10 days after Betsy DeVos was confirmed as the new Secretary of Education under the Trump administration. Now, more than a year later, she is considering rescinding "Obama-era guidance that calls on schools to reduce their reliance on suspensions and to consider whether racial bias plays a role in their disciplinary practices" (Klein). The zero tolerance policies that are behind our school's reliance on suspensions and expulsions seem to do the opposite of teaching life, instead, they push kids out to fend for themselves. Zero tolerance policies in schools are those that have a set punishment for certain violations of school policy typically regarding weapons, drugs, violence and various forms of misbehavior. For many years, studies have shown the negative effects that these policies have had on student achievement and well-being, and in particular how they affect more than 3 times as many Black students than as White students. There's an overwhelming amount of information that suggests our education system is struggling, and with a rise in incarceration rates and out-of-school suspensions, people are beginning to connect the dots. In their essay *“Where the Boys are”: Macro and Micro Considerations for the Study of Young Latino Men’s Educational Achievement*, authors Craig Haney, Aída Hurtado, and José Hurtado highlight the growing priority of prison funding over education: “States such as California appear to have consciously chosen to invest in prisons at the expense of schools, and to privilege policies on incarceration over education for

many students of Color” (Haney, A. Hurtado, J. Hurtado 103). Now more than ever, our education system needs a structural remodel. That is where restorative justice comes in, a discipline practice the Obama-era guidance encouraged schools to implement to help lower suspensions and keep kids in school. Restorative justice seeks to address wrongdoing by acknowledging the experience of the offender, victim(s), and the community, and use dialogue to focus on mending relationships rather than punitive force. This essay explores the negative psychological and educational effects that zero tolerance policies in schools have on students of color. The argument presented is that replacing zero tolerance policies with restorative justice models can reverse these negative effects, improve schools, and most importantly, improve outcomes for students lives and their overall wellbeing.

Zero Tolerance History and Effects

Zero tolerance policies gained popularity in the mid-90s after the passing of the Gun-Free Schools Act of 1994. Taking a zero tolerance stance on firearms, the Act mandated a 1-year expulsion for persons in possession of a firearm on school grounds. Any school receiving federal funding was required to comply, and many schools expanded the policy to additional indiscretions such as fighting, alcohol and drugs, and minor behavior issues such as tardiness or disorderly conduct (Heitzeg 8). The Nixon administration’s Anti-Drug Abuse Act of 1986 marked the beginning of a new ‘tough on crime’ attitude, giving birth to the War on Drugs and the mass incarceration epidemic brought about by mandatory minimum sentencing. Zero tolerance policies mimic mandatory minimum sentences which are set by Congress and “require automatic, minimum prison terms for certain crimes” (“Sentencing 101”). These sentences are most commonly used for drug-related offenses, but Congress has also used them for other

crimes including gun offenses. Mandatory minimums have been heavily critiqued for handing down excessive sentences for relatively small infractions resulting in a surge in the prison population. While judges do not have the power to change the mandatory minimum sentences, prosecutors use their own discretion when deciding what cases to try under these sentencing laws. Studies show that federal prosecutors use their discretion in “an arbitrary and racially discriminatory manner and exacerbate racial disparities in the criminal justice system” (“Written Submission of the ACLU on Racial Disparities in Sentencing” 3). By the time the Gun Free Schools Act was put in place, schools didn’t hesitate to expand their policies to infractions beyond guns in the same way that mandatory minimums were used for more than just drug offenses. In an interview, author Michelle Alexander pointed out that “one of the earliest examples of zero tolerance language in school discipline manuals was a cut-and-paste job from a U.S. Drug Enforcement Administration manual” (Sokolower, 2011). Similar to mandatory minimum sentences, zero tolerance policies use set punishments, and it is often left to the teacher’s discretion to report infractions in instances of disruption or misbehavior and, much like prosecutors, teachers have used their discretion in discriminatory ways. As a result, school discipline policies resemble the same criminal justice policies that support institutional racism and have criminalized people of color. So it’s no surprise that these discipline policies also contribute to mass incarceration by funneling students, who are predominantly people of color, into prison.

In the most recent demographic reports, African American students account for 39% of the student population receiving multiple out-of-school suspensions, yet only account for 16% of the general student population (U.S. Department of Education). As of March 2018, African

Americans make up roughly 40% of the prison population, while recent census data in 2016 showed they accounted for estimated 13% of the general population (“Inmate Race”, DADS). These statistics show how the disproportionate use of zero tolerance policies against students of color, namely African Americans, directly correlates to the racial demographics of our prison population today. The funneling to prison can begin when students are as young as three years old and they are removed from the school setting for a plethora of irrational reasons that, could be considered as typical toddler behavior. This limiting, zero tolerance approach, which tries to remove a problem rather than solve it, causes lasting psychological damage and offers no coping skills, beginning the too-familiar school-to-prison cycle.

It's no secret that racism exists, and our education system is heavily rooted in it. From slavery, and segregation, to today's zoning laws, institutional racism in the form of access to quality education has always been a part of our schools.

The academic and socio-emotional effects of exclusionary disciplinary practices on young people can be devastating. Although theoretically impartial, these practices are often imbued with institutional and interpersonal racism, and both reflect and cultivate racialized perceptions of threat (Brown 133).

These racialized perceptions don't go unnoticed by the students themselves. Studies published in the *'Handbook of Race, Racism, and the Developing Child'* point out that “adolescents who believe that their teachers and peers hold racial biases against them may experience declines in psychological well-being, including elevated stress and anxiety” (Cooper et al. 285). The zero tolerance form of public punishment in schools sends powerful messages to these kids about their own value and are humiliating and degrading. Providing positive learning opportunities

should be the main goal of our schools but zero tolerance aims to exclude students from doing so in situations valuable to their social development. A Health Impact Assessment done on the effects of zero tolerance policies (referred to as Exclusionary School Discipline) in three California school districts (Oakland, Salinas, and Los Angeles) concluded that "ESD leads to negative health outcomes through educational attainment, recurring discipline events and incarceration, violence, drug use, and social cohesion, as well as direct mental health impacts" (13). Most of what a student will learn at school and carry with them through adulthood are skills that aren't in a lesson plan. The ability to understand one's emotions and needs along with conflict management and resolution are topics that are often not formally taught but are learned through human experience. The less room schools make for this type of developmental learning, the more society as a whole is hurt over the long term.

Zero tolerance policies have been heavily criticized for creating the school-to-prison pipeline that disproportionately affects students of color. This is a pattern that sends students into the criminal justice system as a result of being removed from school either from suspension, expulsions, or referrals to law enforcement.

Policies such as police presence, mandatory arrests, and zero-tolerance seek to detect misbehavior and exclude students from school when caught violating laws or school rules. Their intended effect is, therefore, to remove problems rather than solve them (Catlaw & Kupchik 54).

As a result of being removed from schools, those students are more likely to come into contact with the criminal justice system. One suspension in high school *doubles* a students' risk of dropping out, according to the Advancement Project ("School-to-Prison Pipeline). Many

students who receive out-of-school suspensions or expulsions are often found to lack structured supervision during the day while their parents or guardians are at work, and this becomes more common the lower the socio-economic level of the student. The more time students spend out of school, the higher their chances of becoming involved in illegal activities like drug and alcohol use, or gang involvement. This pattern has resulted in a huge spike in incarceration as pointed out by Nancy Heitzeg author of *The School to Prison Pipeline:*

Education, Discipline, and Racialized Double Standards:

The school-to-prison pipeline is consistent with an increasingly harsh legal system for both juveniles and adults, and the rise of the prison industrial complex, where punishment translates into profit. These policies exactly mirror the “get tough” practices associated with the War on Drugs, “broken window” policing, and the corresponding rise in mass incarceration, a trend that has resulted by a more than 10-fold increase in incarceration in a period of 40 years (11).

The criminalization of people of color has seeped into the implementation of school discipline policies in predominantly subjective situations. Howard Zehr points out that “the sense of alienation from society that often contributes to criminal behavior is only heightened by the legal process and the prison experience”. The same can be said for the zero tolerance policies in schools and the suspension/expulsion experience. In many ways, the zero tolerance system in schools is worse for human rights than the legal processes required by our criminal justice system. While our juvenile and criminal justice systems have laws in place to protect offenders’ due process, schools aren’t mandated to award the same rights. Teachers and administrators have full control over how a situation is assessed and what punishment will be doled out -

without taking into consideration the offender's point of view or reasoning. By removing them from the classroom and their peers, they are being isolated from the very education environment that should be helping them stay out of prison. Students who have been suspended or expelled feel the same sense of alienation that is exacerbated by the prison experience.

The combined psychological effect and lost class time due to zero tolerance policies end up hurting student's educational achievement. While the intent of zero tolerance policies was to deter violence and misbehavior, studies show they have resulted in higher rates of delinquency, exclusions, dropouts, and juvenile incarcerations (Fox & Rich-Shea 91). In his book *Punished: Policing the Lives of Black and Latino Boys*, Victor M. Rios returns to his hometown of Oakland California to study the lives of marginalized Black and Latino boys. One of the boys he studied, Jose, he recalled his first interaction with the police while at school:

The first time was in third grade. I had set the bathroom garbage can on fire. We ran away, and they caught us and handcuffed us.... I was just trying to do something funny. Police came and arrested me and my friends. They only had a pair of handcuffs, and they handcuffed me and my friend together. This was the first time I got arrested. I also flunked that year (Rios 57-58).

Lower achievement is not limited to just those receiving punishment. In fact, studies have shown that academic achievement is negatively impacted in schools with higher levels of zero tolerance use (Smith, Fisher, & Frey). Not only do these policies affect student achievement, they can also hurt school funding. Most schools receive funding based on the number of students in attendance, thus, doling out punishments that remove students from school and

increase the rate of dropouts also decreases revenue to these schools. With these policies come higher rates of criminal behavior, and higher unemployment, which also mean higher costs to society and lost income tax revenue. The mass incarceration issues we face today have resulted in increased prison funding at the expense of education funding, which all comes full circle since zero tolerance policies are funneling students into prison. Studies have yet to show the positive effects of zero tolerance policies. Instead of deterring violence, they increase recidivism and dropout rates, lower educational attainment, and have resulted in a disproportionate number of students of color being removed from educational environments.

Restorative Justice History and Effects

Restorative justice practices can offer a solution to all of these problems. Restorative justice methods involve “the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance” (Leung 1). The primary goal of restorative justice is to restore relationships rather than to dole out punishment. The fundamental principles of restorative justice hold the wrongdoer accountable for their actions, require them to take full responsibility for the harms they have caused, gives victims a voice in the process of determining harm done and what is needed to repair that harm, and strongly encourages engagement from the community involved. The primary difference between restorative justice and punitive justice-which includes our criminal justice system and zero tolerance policies- is that the focus is not on the offender and the institution whose rules or laws were broken but on the individuals and the community that were directly affected by the wrongdoing:

Unlike our current system, the central goal in restorative justice among grassroots practitioners is not avenging the past, but creating a better future for all involved...Restorative justice is also committed to achieving the best outcome for both sides-it helps offenders to accept responsibility and do their part in achieving a just outcome (Heitzeg 117).

The other key difference is that successful restorative justice practices allow for the offender to fully reintegrate into society unlike the punitive goal of criminal justice which in our society usually leaves a negative label on the offender (drop out, felon, criminal, etc.). While its original use began as an alternative to criminal justice and is used throughout prisons to help offenders see the impacts of their crimes, the last decade shows an increasing number of these programs being used in schools to replace zero tolerance policies.

There are multiple models of restorative justice successfully implemented in school, some of which include peace circles, family group conferencing, and peer mediation. All of these models require heavy dialogue between all parties: "Restorative justice models are increasingly advocated by educators who regularly work with student suspensions and expulsions and considered as the preferred alternative to retributive justice" (Normore 4). The more staff are trained and available to implement restorative practices, the stronger the program will be. Many schools will train teachers and have a designated advisor or counselor to oversee the program. It is also very beneficial to partner with local law enforcement and community groups to help the restorative process transcend outside of the classroom.

Peace circles (also referred to as restorative circles) give students an opportunity to talk openly about what is going on in their lives and any problems affecting them. Gathering small

groups of students together along with a few teachers or faculty can provide meaningful insight into what students are struggling with and also encourage them to show empathy and understanding for their peers. Amen Rahh, the restorative justice advisor for Markham Middle School in Watts, California began introducing “Circle Time Tuesdays” at Markham by selecting a group of 20 students who he thought would be most receptive to the process (Rahh & Sesky 202). An important process in implementing restorative justice in schools is not to force the process on everyone all at once. Rahh selected students for the first circle that he knew would help influence their peers to participate (Rahh & Sesky 202). Starting small gives students and teachers skeptical of the restorative approach a chance to see the positive results without forcing them to change their whole way of thinking immediately.

Family group conferencing is an effective way to engage parents in the dialogue with their children and staff. The Partnership for Los Angeles Schools, which works with multiple schools in the Los Angeles Unified School District, supports workshops at all of their sites that teach parents how to advocate for their children and educates them on restorative practices they can adopt at home (Garrett & Franklin 148). Parent involvement is helpful in supporting the use of restorative justice outside of the classrooms. If students only associate restorative justice as a school program and not a process that can be used in their everyday lives it is less likely to have a lasting impact. Most parents find it easy to adopt restorative justice at home with things like talking pieces that help give everyone a turn to speak, and “using Circle Agreements like “speak and listen with your heart” and “bring our best selves” to build trust and respect with each other and as a tool for conversation norms at home” (Garrett & Franklin

148). Bridging the gap between restorative justice at school and at home can have a more meaningful impact on these students lives as a whole, not just inside the classroom.

Peer mediation is the most commonly practiced method of restorative justice in today's schools. Former Attorney General of California Dan Lungren "praised peer mediation as one of the most effective means to deter violence in public schools" (Silver & Vermander 5). While there are multiple ways to incorporate peer mediation into schools, it is most commonly done through student clubs in which a group of students are trained by a peer mediation coordinator and then are allowed to lead mediation sessions with other students. Student mediators act as the first stop for students facing disciplinary action due to conflict with another student. Mediators help both parties to tell their side of the story and then guide the conversation to help them come to an agreement on a solution.

Peer mediation offers students the opportunity for personal growth by requiring that they expand their intellectual horizons during the formulation of a positive outcome to the conflict. It can enhance the quality of life not only for the students involved in conflict but also for the school society in general (Silver & Vermander 1).

Peer mediation offers students a chance to engage with their peers and hold them accountable while also lowering the volume of cases brought to staff for disciplinary action.

Although zero tolerance policies still dominate public school, numerous schools and districts have had success with Restorative Justice Programs. Studies done on the effects of such programs in schools have shown promising and highly positive results despite being a relatively new concept:

Studies tracking discipline outcomes over time have shown that students who received a restorative intervention after a discipline infraction have a lower probability of receiving another discipline referral or suspension than peers receiving other sanctions” and that schools implementing restorative justice showed “greater improvements than non RJ schools in reading proficiency, graduation rates, and attendance” over a three-year period (Clawson & Gregory 155-156).

Across the country, many schools are tossing out zero tolerance policies in favor of restorative justice models. Districts in Oakland, Chicago, Baltimore, Denver, Los Angeles and many others, have decided to implement some form of restorative justice either through peer mediation, peace circles, peer juries, victim-offender mediation, or other forms. All of these districts have reported reductions in suspensions and expulsion, with Denver Public School District boasting a 64% drop in out-of-school suspensions between 2005 and 2012 (Reyes). A case study on Cole Middle School in Oakland Unified School District illustrated its restorative justice program which involved training teachers and staff in the use of disciplinary circles and community building activities as well as providing a full-time case manager and offering restorative justice as an elective course:

The study concluded that the restorative justice program strengthened school relationships, promoted and fostered social justice, helped students and adults deal with violence in their community, reduced suspensions by 87%, expulsions to zero, and saw increased student responsibility and autonomy (Normore 7).

With so many studies showing the positive outcomes of restorative justice models in school, it is clear that restorative justice is a realistic and revolutionary alternative to a zero tolerance approach.

The most common critiques about restorative justice are that it is a 'soft on crime' approach that goes easy on offenders and that it doesn't work for all types of conflict. The latter is true in a sense that it is not a one-size-fits-all solution to all wrongdoings. Ironically, zero tolerance policies are trying to do just that, and this is arguably one of its most destructive aspects. The generalization of wrongdoings and the punishment required by zero tolerance is what causes such high numbers of suspensions and expulsions, as it limits the ability of teachers and faculty to take into account all factors of a situation. When a student sits down to eat lunch and realizes that they grabbed their mothers lunch by mistake that happened to have a paring knife in it, they may automatically be suspended for violating the zero tolerance policy against weapons at school, instead of taking into account that it was an honest mistake, confiscating the knife, and letting the student return to class. A situation like that shouldn't warrant removal from class time. Restorative justice is a much more versatile approach, and while it could be viewed as 'soft on crime', the main goal of restorative justice is not to punish offenders but to teach them. This also teaches those around them about positive conflict resolution. It also removes the sole power given to a single authority figure (principal, teacher, etc.) and distributes it among the victim(s) and community members, ensuring that instead of criminalizing and victimizing those involved, the focus is on connecting them together through their humanity while learning positive behaviors and ways to resolve conflict.

Another misconception is that restoring relationships means getting it back to how it was prior to the wrongdoing. This often times is not realistic- especially if the victim and offender were previously strangers- and is contradictory to hold the offender accountable for harms done. The main goal of restoring the relationships is to heal the harm caused and diffuse the conflict from creating further harm to the relationship.

There is a saying that ‘hurt people hurt people’. The concept that those who have suffered some form of injustice or abuse are more likely to inflict similar pain onto others. While zero tolerance policies contribute to this cycle through isolation, criminalization, and abandonment of the individual, restorative justice seeks to address the root cause of the hurt allowing offenders to be humanized in the eyes of the victim and the community. The dialogic nature of restorative justice brings about tremendous opportunities for self-reflection and interpersonal communication that leads to better understanding of one’s self and others for all parties involved. “Pre-post evaluations of student RJ programs in Australia, Baltimore, Maryland, and New York City reported increased levels of respect and empathy, improved conflict resolution skills, and reduced antisocial behavior among students after the learned and implemented RJ practices” (Health Impact Assessment). Teaching and implementing these practices to students at a young age can help them navigate through the many developmental changes they will go through during their adolescence and provides valuable life skills they will carry throughout adulthood.

The disproportionate treatment of minorities in our public education system at the hands of zero tolerance policies and the psychological damage it leaves is something that can have lasting effects on our entire society. From the impact on educational attainment to the

influx of our prison population, zero tolerance has been shown to tear students down instead of providing equal access to schooling that is mandated by the 14th Amendment. Zero tolerance policies act as a funnel for the prison industrial complex that is stripping away education funding. With the positive results that restorative justice is achieving in schools across the country, a new system is rising to challenge zero tolerance. We no longer have to accept a dehumanizing and racist disciplinary system as the norm. Now is the time to stop prioritizing punishment over education. Now is the time for us to humanize school discipline for the sake of our nation's future leaders. Now is the time to teach life.

Annotated Bibliography

“2015-16 Civil Rights Data Collection: School Climate and Safety”. *U.S. Department of Education*, 2018, 2015-16 Civil Rights Data Collection: School Climate and Safety.

This report published by the U.S. Department of Education breaks down data collected by the Civil Rights Data Collection (CRDC) about school climate and safety. Included in the report are 17,337 school districts, 96,360 schools, and 50.6 million students. It shows data gathered on serious offenses, law enforcement referrals and school-related arrests, harassment and bullying and more. For this paper, I used the data shown under the School Discipline section which broke down the enrollment population by race and gender and compared it with the race and gender of the out-of-school suspension population. Figure 13 helps to prove that zero tolerance policies are being used more frequently on students of color.

Brown, Tara M. “The Racialization of Threat: Responding to the Punishment and Purging of Black and Latina/o Youth in School.” *Contesting the Myth of a 'Post Racial' Era: the Continued Significance of Race in U.S. Education*, edited by Dorinda J Carter Andrews and Frank Tuitt, vol. 28, Peter Lang, 2013, pp. 128–142.

In this essay published in *Contesting the Myth of a 'Post Racial' Era": The Continued Significance of Race in U.S. Education*, author Tara Brown argues that part of the reason Black and Latina/o students are subjected to higher rates of disciplinary action is due to the assumption that people of color are a threat to society. She examines how these assumptions are reinforced in communities and schools and analyzes the current forms

of racism in society that are much more hidden than before giving the illusion of a 'post racial' society. I used her work to highlight the psychological effect that these racial assumptions can have on students of color who repeatedly face school exclusion.

Catlaw, Thomas J., Kupchik, Aaron. "The Dynamics of School Discipline in a Neoliberal Era."

Responding to School Violence: Confronting the Columbine Effect, edited by Glenn W. Muschert, *Lynne Rienner Publishers*, 2014, pp. 53–70.

In this essay published in *Contesting the Myth of a 'Post Racial' Era": The Continued Significance of Race in U.S. Education*, author Tart Brown argues that part of the reason Black and Latina/o students are subjected to higher rates of disciplinary action is due to the assumption that people of color are a threat to society. She examines how these assumptions are reinforced in communities and schools and analyzes the current forms of racism in society that are much more hidden than before giving the illusion of a 'post racial' society. I used her work to highlight the psychological effect that these racial assumptions can have on students of color who repeatedly face school exclusion.

Clawson, Kathleen & Gregory, Anne. "The Potential of Restorative Approaches to Discipline

for Narrowing Racial and Gender Disparities." *Inequality in School Discipline: Research and Practice to Reduce Disparities*, edited by Russell Skiba et al., *Palgrave Macmillan*, 2016, pp. 153-170.

This essay details the needs for restorative practices in schools and shows results of a study done at two high schools in the Northeast. Their two research questions ask if Restorative Practices (RP) can reduce school-wide gender and racial disparities in discipline referrals and if more frequent use of RP in the classroom can result in teachers

issuing fewer referrals to students. The results showed that the use of RP lowered the number of referrals overall in both schools but that the gender and race demographics of those receiving referrals showed only small drops. While the study was limited to just two high schools it still showed positive results in lowering the number of referrals after the implantation of RP. I use this information to support my point that restorative justice can help increase educational achievement.

Data Access and Dissemination Systems (DADS). “Comparative Demographics Estimates.” American Fact Finder, *United States Census Bureau*, 2016.

This collection of data published by the U.S. Census Bureau shows census data produced by the American Community Survey. It breaks down the population by sex, age, and race for the years 2012-2016. I used data from the year 2016 to show the racial demographics of the U.S. population and compared it with data found on the racial demographics of the U.S. prison population. This data helped me connect the racial disparities in school discipline to the racial disparities in our criminal justice system.

Fox, James A., Rich-Shea, Aviva M. “Zero-Tolerance Policies.” Responding to School Violence: Confronting the Columbine Effect, edited by Glenn W. Muschert, et al. *Lynne Rienner Publishers*, 2014, pp. 89–104.

This essay details the use of zero tolerance policies and student resource officers and the negative effects they have on school climate. The authors conclude that schools that use zero tolerance use student resource officers as a method for social control and are authoritarian and anti-democratic. I use the information from this essay to show the

negative impact zero tolerance has on education achievement with increased delinquency, dropouts, etc..

Garrett, Jeffrey & Franklin, Tanya. "Chapter 9 Cultivating Restorative Communities: A K-12 Systems Approach to Restorative Practices." *Restorative Practice Meets Social Justice: Un-Silencing the Voices of "At-Promise" Student Populations*, Information Age Publishing, 2017, pp. 139–153.

This essay published in *Restorative Practice Meets Social Justice: Un-Silencing the Voices of "At-Promise" Student Populations*, details how The Partnership for Los Angeles Schools assists 17 public schools in their restorative justice programs. It discusses three models, school leadership, teacher leadership, and family and community engagement. Each model shows how it is implemented in schools and the resources necessary to their success. I focus on the section on family and community engagement to show the how restorative justice can be taught in schools and also brought home as a positive tool for parents to use in their personal discipline choices.

Haney, Craig W, Aída Hurtado, and José G Hurtado. "'Where the Boys Are': Macro and Micro Considerations for the Study of Young Latino Men's Educational Achievement." *Invisible No More: Understanding the Disenfranchisement of Latino Men and Boys*, edited by Pedro Noguera et al., Routledge, 2012, pp. 101–121.

This essay explores the different ways that macro and microaggressions affect Latino boys and Latinas in different ways. I use a quote from this essay in my introduction to show that prisons are being prioritized over education.

“Health Impact Assessment of School Discipline Policies”. *Human Impact Partners*, 2012,

Health Impact Assessment of School Discipline Policies, Web.

This report published by Human Impact Partners (HIP) is a unique assessment of the health impacts that zero tolerance policies and the benefits of alternative discipline programs including restorative justice. HIP conducted studies at three school districts in California, Los Angeles, Oakland, and Salinas, all of which were in the process of enacting some form of alternative discipline. At each district they examined the community demographics and existing conditions like education, incarceration, community violence, drug use, and mental health conditions. They then predicted the health impacts that their alternative programs would have in these communities. Information in their key recommendations showed that Exclusionary School Discipline (also known as zero tolerance) had negative health outcomes which I used to show as another negative impact of zero tolerance.

Heitzeg, Nancy. “Chapter 1. Education, Race, and Social Control”. *The School-to-Prison*

Pipeline: Education, Discipline, and Racialized Double Standards, Praeger, 2016, pp.

105-124. Racism in American Education.

In the first chapter of *The School-to-Prison Pipeline: Education Discipline, and Racialized Double Standards*, author Nancy Heitzeg examines the history of our education system as an institution of social control and how the school-to-prison pipeline and zero tolerance policies came to be. I use the information on the Gun Free Schools Act of 1994 and the War on Drugs to provide a historical context for zero tolerance policies and describe the effects of the school-to-prison pipeline.

Heitzeg, Nancy. "Chapter 7. Education Not Incarceration: Ending the School-to-Prison

Pipeline". *The School-to Prison Pipeline: Education, Discipline, and Racialized Double Standards*, Praeger, 2016, pp. 105-124. Racism in American Education.

In Chapter 7, Heitzeg explores ways to end the school-to-prison pipeline at the federal, state, and school district level. She recommends federal legislation must change since it was the Gun Free Schools Act of 1994 and the Safe Schools Act of 1994 that essentially created the pipeline. States need to change the way they have adopted these pieces of legislation which has largely expanded the reach of zero tolerance. Heitzeg notes that restorative justice is the most promising alternative that schools and school districts can implement to improve their school climate. I use the general information offered on restorative justice to show its true intentions and intended outcomes for students and how it differs from zero tolerance.

"Inmate Race." Bop.gov, *Federal Bureau of Prisons*, 28 Apr. 2018.

This chart published by the Federal Bureau of Prisons shows the most recent racial demographics of prison inmates. At the time of this paper, I was using data last updated on April 28th, 2018 that showed 37.9% of inmates were Black. I used this data in conjunction with census data to compare the racial demographics of the total U.S. population with the racial demographics of the prison population and the correlation between the student population and out-of-school suspension population.

Klein, Rebecca. "Betsy DeVos Mulls the Fate of Guidance Designed to Reduce Racial Bias In Schools." *The Huffington Post*, TheHuffingtonPost.com, 4 Apr. 2018, Web.

This article by Huffington Post reporter Rebecca Klein talks about Education Secretary Betsey DeVos's meeting about the Obama-era guidance that advocates for schools to examine their discipline policies for racial bias and encourage restorative justice as an alternative option. DeVos heard from civil rights leaders, parents, and teachers, some of which supported the guidance and other who wanted it repealed. I use this article in my introduction to show that school discipline is at a crossroads with our current administration and that it is a big enough issue that former President Barack Obama felt the need to issue nationwide guidance.

Leung, May. "The Origins of Restorative Justice." *Canadian Forum on Civil Justice*, Cfcj-Fcjc.org 1999, Web.

This essay published on the Canadian Forum on Civil Justice website explores the history of restorative justice. Author May Leung breaks down the origins of the North American restorative justice movement which includes Canada and the U.S.. She details four sources: aboriginal justice/teachings, faith communities, the prison abolition movement, and the alternative dispute resolution movement. For this paper, I used her definition of restorative justice.

Normore, Anthony H. "Chapter 1: Social Justice and Restorative Processes in Urban Schools."

Restorative Practice Meets Social Justice: Un-Silencing the Voices of "At-Promise" Student Populations, Information Age Publishing, 2017, pp. 1-17.

This essay offers historical context on the rise of restorative justice in education and details different uses in schools. The author explains restorative justice's connections to social justice and provides examples of some school's successful programs. I use his

examples of different models to introduce the different options of restorative justice in schools and to show its increasing support by educators.

Cooper, Shauna M. et al. "Racial Discrimination and the Mental Health of African American Adolescents." *Handbook of Race, Racism, and the Developing Child*. Hoboken, NJ: *John Wiley & Sons*, 2008. Pp. 278-312.

This essay studies the effect perceived racism has on the mental health of African American children. The authors show detailed research on how structural racism and internal racism and racial discrimination can lead to serious mental health problems like depression, anxiety, and low self-esteem. I use this research to support my point that zero tolerance policies which are discriminatory in their implementations hurt students of color psyches.

Rahh, Amen & Sesky, Jeanne M. "Narrative 4 'From Boys to Gentlemen' A Program for Restoring Positive Self-Image in Middle Schooler Boys of Color." *Restorative Practice Meets Social Justice*, *Information Age Publishing*, 2017, pp. 197–206.

This essay published in *Restorative Practice Meets Social Justice* details how Amen Rahh incorporated restorative justice practices into the discipline structure of Edwin Markham Middle School in Los Angeles. He details the how he used discussion circles and engaged with law enforcement to open up a dialogue with students facing disciplinary action. He also created grief circles for the students to participate in to help cope with the loss of a beloved student who was gunned down by a neighborhood gang. I used his process of implementing discussion circles to detail how peace circles can be used in schools and benefit students.

Reyes, Raul A. "Denver Schools Urge Alternatives to Expulsion, Suspension." *NBCNews.com, NBCUniversal News Group*, 11 Feb. 2016, Web.

This article details the ways in which the Denver Public School District implemented restorative justice and the highly positive results it received. I used the statistics showing the dramatic decrease in suspensions after restorative justice was implemented to show the substantial effect these programs can have in lowering the use of zero tolerance policies.

Rios, Victor M. "Punished: Policing the Lives of Black and Latino Boys". *New York University Press*, 2011.

In this book, author and professor Victor Rios returns to his hometown of Oakland California to study the lives of young Black and Latino boys and the impact of heavy policing and violence had on their lives. Over highlights the different ways that the criminalization of people of color and subsequently their higher incarceration rates affected these boys lives and the different areas of their lives that bring them into contact with the justice system including at school. In this paper, I use one of the stories he told of a boy he interviewed who was arrested at school in third grade and ended up flunking that same year. I use this story to show the impact that zero tolerance policies can have on the educational achievement of students of color.

"School-To-Prison Pipeline: Today's Student Experience." *Safequalityschools.org. Advancement Project*, n.d. Web.

This infographic by the Advancement project breaks down different statistics on the school-to-prison pipeline and its effect on students. It shows information on out-of-school suspensions and school arrests and examples of situations that have resulted in the use of those punishments. I use the statistic about one suspension doubling a student's chances of dropping out to provide more evidence of the education achievement impact that zero tolerance has.

Silver, Jeff, and Karin Vermander. "Managing School Conflict: The Peer Mediation Approach." *Canadian Forum on Civil Justice*, Cfcj-Fcjc.org, Web.

This article published in the Canadian Forum on Civil Justice details how peer mediation can be used in schools. The authors break down the three types most commonly used, the total school model, the elective course model, and the student club model. I focus on the student club model since it is the one most commonly used in U.S. schools. I use the structure of the student club model as an example of an effective restorative justice model for schools.

"Sentencing 101." Famm.org, *Families Against Mandatory Minimums*. Web.

This source is a page from the *Families Against Mandatory Minimums* website that breaks down what mandatory minimums are and how they work. I use this background info to explain mandatory minimums and show how they are very similar to zero tolerance policies.

Smith, Dominique, Fisher, Douglas B., Frey, Nancy E. "Chapter 1. Punitive or Restorative: The Choice Is Yours." *Better than Carrots or Sticks: Restorative Practices for Positive Classroom Management*, ASCD, 2015, Web.

This source is a chapter from the book *Better Than Carrot Sticks: Restoration Practices for Positive Classroom Management*, detailing effective classroom management and restorative justice in schools as a solution to the negative effects of zero tolerance. I use this source to show that the negative impact of zero tolerance on education achievement is not limited to just the students being disciplined but the school as a whole.

Sokolower, Judy. "Michelle Alexander on the New Jim Crow and the School-to-Prison Pipeline." *Rethinkingschoolsblog.com*. N.p., 20 Dec. 2011. Web.

In her interview with author Michelle Alexander, Judy Sokolower addresses issues of mass incarceration, structural racism, the school-to-prison pipeline, colorblindness and the impacts on our education system. I use a quote from Michelle Alexander about early zero tolerance manuals using the same language as U.S. Drug Enforcement Agency manual to help support my argument that zero tolerance policies are upholding institutional racism in the same way that our criminal justice system does with mandatory minimums.

"Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing". *ACLU*, 2014.

This submission by the ACLU details the ways the criminal justice sentencing system is disproportionately sentencing Blacks. It breaks down the different sentences that show large racial disparity like life-without-parole sentences for nonviolent offenses, and crack and powder cocaine sentencing. I use the information presented about the

prosecutor's role in selecting cases to be sentenced under mandatory minimums to show how those sentences are reinforcing racism.

Zehr, Howard. "Restoring justice: envisioning a justice process focused on healing - not punishment." *The Other Side*, Sept.-Dec. 1997, p. 22+. Academic OneFile, Web.

In this article, Howard Zehr breaks down the differences between restorative justice and punitive justice in the context of our criminal justice system. He shows the negatives impact of punitive justice and also critiques the cases in which restorative justice could fall short in achieving justice like in instances of rape or murder. I use a quote from this article that reiterates the ways in which our criminal justice system contributes to recidivism and compare it to the ways zero tolerance policies isolates students further and do psychological damage.

Final Synthesis Essay

For my last semester at California State University, Monterey Bay, I was in the first Capstone section with Professor Maria Villaseñor. Our shared theme was “Social Identities, Politics, and the Way Forward”. Our readings explored different identities and political movements and our classroom discussion provoked us to see different ways that social identities and politics intersected. This class helped me make stronger connections to my own social identities and political views as well as see how other people’s identities influenced how they presented themselves to the world.

I feel as though I have greatly contributed to my sections discussions in particular through my seminar discussion on Feminism. I originally chose this topic because I openly identified as a feminist and am very passionate about women’s rights. A particular point that was explored in the *Bad Feminist* readings was the issue of white feminism. It was a concept I was vaguely familiar with but hadn’t explored deeply. It was an interesting concept to me in part because I had been passionate about racial justice for a while before I really discovered my feminist beliefs so when I took on the identity of a feminist I already understood the many ways that it connects to race. They were never separate issues for me, so I was a bit surprised that there were women out there identifying as feminists who largely ignored the racial issues connected to the concept (naïve I know). While I knew that the feminism I believed in didn't align with ‘white feminism’ I felt that it was something that needed to be acknowledged since I am white. I showed a video of a ted talk given by Betsy Cairo, a professor and reproductive biologist, where she argued that she believed in ‘equalism’ instead of feminism. I had originally

picked this video because it had brought up a feminist critique that I had connected with on a small level. There are times when I am fatigued by all the injustice I see in the world and in those moments my thoughts start to make generalizations like “why can’t we all just see each other as human instead of man or woman or black or white” so when Cairo argued that ‘equalism’ supports all people and struggles and isn’t confined by gender binaries it seemed intriguing to me. On the other end, I also identified with Roxane Gay's interpretation of a ‘bad feminist’. I have strong opinions on sexism, misogyny, and the gender wage gap, but I still watch t.v. shows with pretty rigid gender roles or listen to songs that talk about women like their objects, and one day I want to be a stay at home mom. For the longest time, I was secretly ashamed of my own hypocrisy but these readings changed that for me. I posted a discussion question to the class on whether they identified more as a ‘bad feminist’ or ‘equalist’ and they were pretty unanimously ‘bad feminists’. Some students pointed out aspects of the ‘equalist’ theory that really showed its true absurdity and how it was a prime example of white feminism, and in those twenty minutes of discussion, my understanding of my own feminism beliefs changed. Do I believe that every person regardless of race or gender deserves equal treatment? Of course, I always have, but the discussion helped solidify the idea that to ignore the presence of race or gender differences is to ignore a huge part of people’s identities. Cairo's video got people fired up and inspired some great conversations about some of the shortcomings of feminism and also its value in giving voice to a systemically marginalized identity.

My essay focuses on the effects that zero tolerance policies have on students of color and poses restorative justice as a better way forward. While I originally my topic connected mostly with the way forward, I was able to show how the political influence that the War on

Drugs and school safety legislation had on the formation of zero tolerance and the ways it was implemented in schools. My paper focuses on students of color instead of students as a whole because the negative effects of zero tolerance policies have a bigger impact on them and their development. I wanted this paper to highlight the unique issues that students of color face and the ways our education system is setting them up for failure. I came across the concept of restorative justice a couple years ago in another HCOM class and later when I learned about the school-to-prison pipeline I realized that if restorative justice practices were used in schools they could help break the pipeline. While restorative justice always seemed like a no-brainer replacement for zero tolerance, I dug deeper into the political history of zero tolerance which helped me understand why it is so heavily rooted in our schools today.

My research essay shows my ability to do extensive research and form cohesive arguments. I used a variety of sources both primary and secondary, from books, websites, scholarly articles, and government data. I also addressed common criticisms of restorative justice and argued that if looked at in a better context they can be seen as strengths of the method. In the end, I use my research to show that restorative justice is a promising way forward with proven positive outcomes.

Overall the theme of my capstone section helped me to understand some of the issues that come with certain social identities and their strong links to politics. I explored issues with my own feminist identity and the different points of view on the feminist movement. Most importantly I wrote a strong research essay that advocated for a marginalized identity that I am not a part of in a clear and compelling way.